

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
DOCKET NO.: 5:10CR11-V**

UNITED STATES OF AMERICA)
)
 vs.)
)
 ROBBIE PAUL HOWELL,)
 Defendant.)
 _____)

ORDER

THIS MATTER is before the Court on Defendant's motion for issuance of a subpoena duces tecum at Government expense pursuant to Rule 17(c) and (d) of the Federal Rules of Criminal Procedure.¹ (Document #39)

IT IS, THEREFORE, ORDERED that pursuant to the instant Order, subpoenas duces tecum shall be issued to the **Ashe County Department of Social Services** for the following information:

1) Any and all records from the Ashe County Department of Social Services concerning Deanna Howell, Robbie Paul Howell and / or Martina Howell for the period January 2, 2008 to present. Records shall include, but not be limited to, intake notes, progress reports, social worker notes or reports, interviews (whether taped, typed or handwritten), and medical reports.

IT IS HEREBY ORDERED THAT Defendant's motion is **GRANTED in part** and **DENIED in part:**

1) The Federal Defenders' Office is authorized to utilize one of its Investigators to effect service of the subpoena(s). The U.S. Marshal's Service is not responsible for service as Defendant's request is untimely;

2) Document production shall occur **on or before Tuesday, August 24, 2010;**

¹ The magistrate judge denied Defendant's initial motion without prejudice because it was made *ex parte* and sought production of the same personal information from the Ashe County DSS. (Document #38)

3) The costs incurred by the process and the fees of the witnesses shall be paid in the same manner as similar costs and fees are paid in cases of witnesses subpoenaed on behalf of the Government, all in accordance with the provisions of Rule 17(d) of the Federal Rules of Criminal Procedure; and

4) Production of the documents by Ashe County Department of Social Services shall initially be made to the Court for *in camera* review pending receipt of a response from the Government and / or the Ashe County Department of Social Services.

Signed: August 20, 2010

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees
United States District Judge

